

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

FEDERAL TRADE COMMISSION,
Plaintiff,

v.

REVMOUNTAIN, LLC, a Nevada limited
liability company,

ROADRUNNER B2C, LLC, also d/b/a
REVGO, a Nevada limited liability company,

WAVE ROCK, LLC, a Nevada limited
liability company,

JUNIPER SOLUTIONS, LLC, a Nevada
limited liability company,

JASPER WOODS, LLC, a Nevada limited
liability company,

WHEELER PEAK MARKETING, LLC, a
Nevada limited liability company,

ROIRUNNER, LLC, a Nevada limited
liability company,

CHERRY BLITZ, LLC, a Nevada limited
liability company,

FLAT IRON AVENUE, LLC, a Nevada
limited liability company,

ABSOLUTELY WORKING, LLC, a Nevada
limited liability company,

THREE LAKES, LLC, a Nevada limited
liability company,

BRIDGE FORD, LLC, a Nevada limited
liability company,

HOW AND WHY, LLC, a Nevada limited
liability company,

SPRUCE RIVER, LLC, a Nevada limited
liability company,

Case No: 17-cv-02000-APG-GWF

**[Proposed] PRELIMINARY
INJUNCTION WITH ASSET FREEZE,
APPOINTMENT OF RECEIVER, AND
OTHER EQUITABLE RELIEF**

1 TRIMXT, LLC, a Nevada limited liability)
2 company,)
3 ELATION WHITE, LLC, a Nevada limited)
4 liability company,)
5 IVORYPRO, LLC, a Nevada limited liability)
6 company,)
7 DOING WHAT'S POSSIBLE, LLC, a)
8 Nevada limited liability company,)
9 REVGUARD, LLC, a Colorado limited)
10 liability company,)
11 REVLIVE!, LLC, a Colorado limited liability)
12 company,)
13 BLUE ROCKET BRANDS, LLC, a)
14 Colorado limited liability company,)
15 CONVERTIS, LLC, a Colorado limited)
16 liability company,)
17 CONVERTIS MARKETING, LLC, a)
18 Colorado limited liability company,)
19 TURTLE MOUNTAINS, LLC, a Colorado)
20 limited liability company,)
21 BOULDER BLACK DIAMOND, LLC, a)
22 Colorado limited liability company,)
23 MINT HOUSE, LLC, a Colorado limited)
24 liability company,)
25 THUNDER AVENUE, LLC, a Colorado)
26 limited liability company,)
27 UNIVERSITY & FOLSOM, LLC, a)
28 Colorado limited liability company,)
BOULDER CREEK INTERNET)
SOLUTIONS, INC., a Colorado corporation,)
WALNUT STREET MARKETING, INC., a)
Colorado corporation,)
SNOW SALE, LLC, a Colorado limited)
liability company,)
BRAND FORCE, LLC, a Colorado limited)

1 liability company,)
)
2 WILD FARMS, LLC, a Colorado limited)
liability company,)
3)
SALAMONIE RIVER, LLC, an Indiana)
4 limited liability company,)
)
5 INDIGO SYSTEMS, LLC, an Indiana)
limited liability company,)
6)
NIGHT WATCH GROUP, LLC, an Indiana)
7 limited liability company,)
)
8 NEWPORT CROSSING, LLC, an Indiana)
limited liability company,)
9)
GREENVILLE CREEK, LLC, an Indiana)
10 limited liability company,)
)
11 BROOKVILLE LANE, LLC, an Indiana)
limited liability company,)
12)
ANASAZI MANAGEMENT PARTNERS,)
13 LLC, a Wyoming limited liability company,)
)
14 HONEY LAKE, LLC, a Wyoming limited)
liability company,)
15)
CONDOR CANYON, LLC, a Wyoming)
16 limited liability company,)
)
17 BRASS TRIANGLE, LLC, an Arizona)
limited liability company,)
18)
SOLID ICE, LLC, an Arizona limited)
19 liability company,)
)
20 SANDSTONE BEACH, LLC, an Arizona)
limited liability company,)
21)
DESERT GECKO, LLC, an Arizona limited)
22 liability company,)
)
23 BLIZZARDWHITE, LLC, an Arizona)
limited liability company,)
24)
ACTION PRO WHITE, LLC, an Arizona)
25 limited liability company,)
)
26 FIRST CLASS WHITENING, LLC, an)
Arizona limited liability company,)
27)
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1 SPARK WHITENING, LLC, an Arizona)
 limited liability company,)
 2)
 TITANWHITE, LLC, an Arizona limited)
 3 liability company,)
)
 4 DENTAL PRO AT HOME, LLC, an Arizona)
 limited liability company,)
 5)
 SMILE PRO DIRECT, LLC, an Arizona)
 6 limited liability company,)
)
 7 CIRCLE OF YOUTH SKINCARE, LLC, an)
 Arizona limited liability company,)
 8)
 DERMAGLAM, LLC, an Arizona limited)
 9 liability company,)
)
 10 SEDONA BEAUTY SECRETS, LLC, an)
 Arizona limited liability company,)
 11)
 BELLAATHOME, LLC, an Arizona limited)
 12 liability company,)
)
 13 SKINNYIQ, LLC, an Arizona limited)
 liability company,)
 14)
 BODY TROPICAL, LLC, an Arizona limited)
 15 liability company,)
)
 16 BLAIR MCNEA, individually and as an)
 officer of REVGUARD, LLC,)
 17)
 DANIELLE FOSS, individually and as an)
 18 officer of BLUE ROCKET BRANDS, LLC)
 and CONVERTIS, LLC,)
 19)
 and)
 20)
 JENNIFER JOHNSON, individually and as)
 21 an officer of REVMOUNTAIN, LLC,)
)
 22 Defendants.)

23
 24 Plaintiff, the Federal Trade Commission (“FTC”), filed its Complaint for Permanent
 25 Injunction and Other Equitable Relief pursuant to Section 13(b) of the Federal Trade
 26 Commission Act (“FTC Act”), 15 U.S.C. § 53(b), and an Emergency Motion for *Ex Parte*
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1 Temporary Restraining Order pursuant to Federal Rule of Civil Procedure 65(b). On July 25,
2 2017, the Court granted the FTC's Emergency Motion for *Ex Parte* Temporary Restraining
3 Order, including an order to show cause why a preliminary injunction should not issue, and
4 entered a Temporary Restraining Order ("TRO"). Upon consideration of the material submitted
5 by the parties and argument of counsel, the Court enters this Preliminary Injunction.
6

7 **FINDINGS OF FACT**

8 The Court, having considered the Complaint, the Emergency Motion for *Ex Parte*
9 Temporary Restraining Order and supplemental brief in support, declarations, exhibits, and
10 memoranda filed in support thereof, and briefs, declarations, exhibits, and memoranda filed in
11 opposition thereto, and being otherwise advised, finds that:
12

13 A. This Court has jurisdiction over the subject matter of this case, and there is good
14 cause to believe that it will have jurisdiction over all parties hereto and that venue in this district
15 is proper.

16 B. On July 24, 2017, the FTC filed its Complaint for Permanent Injunction and Other
17 Equitable Relief, an Emergency Motion for *Ex Parte* Temporary Restraining Order, and related
18 pleadings.
19

20 C. On July 25, 2017, the Court entered the FTC's Temporary Restraining Order with
21 Asset Freeze, Appointment of a Temporary Receiver, and Other Equitable Relief, and Order to
22 Show Cause Why a Preliminary Injunction Should Not Issue.

23 D. In numerous instances, Defendants misrepresented the price of trial offers,
24 charged consumers for products they did not order or want, and enrolled consumers into
25 continuity plans without their consent.
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1 E. There is good cause to believe that Defendants have engaged in and are likely to
2 engage in acts or practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and
3 Section 5 of the Restore Online Shoppers' Confidence Act ("ROSCA"), 15 U.S.C. § 8404, and
4 that Plaintiff is therefore likely to prevail on the merits of this action. As demonstrated by
5 Defendants' business records; consumer complaints and declarations; records of undercover
6 purchases; a report by a usability expert; corporate, banking and payment processing records;
7 and the additional documentation filed in this matter, the FTC has established a likelihood of
8 success in showing that Defendants deceived consumers by misrepresenting the price of personal
9 care products to obtain their credit card numbers, and then charging them \$100 to \$200 per
10 month for additional products they did not order or want.
11

12 F. There is good cause to believe that immediate and irreparable harm will result
13 from Defendants' ongoing violations of the FTC Act and ROSCA unless Defendants continue to
14 be restrained and enjoined by order of this Court.
15

16 G. There is good cause to believe that immediate and irreparable damage to the
17 Court's ability to grant effective final relief for consumers – including monetary restitution,
18 rescission, disgorgement or refunds – will occur from the sale, transfer, destruction or other
19 disposition or concealment by Defendants of their Assets or records, unless Defendants continue
20 to be restrained and enjoined by order of this Court.
21

22 H. Good cause exists for appointing a permanent Receiver over the Receivership
23 Entities and freezing Defendants' Assets.

24 I. Weighing the equities and considering the FTC's likelihood of ultimate success
25 on the merits, a preliminary injunction order with Asset freeze, the appointment of a permanent
26 Receiver, and other equitable relief is in the public interest.
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1 J. No security is required of any agency of the United States for issuance of a
2 preliminary injunction order. Fed. R. Civ. P. 65(c).

3 **DEFINITIONS**

4 For the purpose of this Preliminary Injunction, the following definitions shall apply:

5 A. **“Asset”** means any legal or equitable interest in, right to, or claim to, any
6 property, wherever located and by whomever held.

7
8 B. **“Billing Information”** means any data that enables any person to access a
9 customer's account, such as a credit card, checking, savings, share or similar account, utility bill,
10 mortgage loan account, or debit card.

11 C. **“Charge,” “Charged,” or “Charging”** means any attempt to collect money or
12 other consideration from a consumer, including but not limited to causing Billing Information to
13 be submitted for payment, including against the consumer’s credit card, debit card, bank account,
14 telephone bill, or other account.

15
16 D. **“Clear(ly) and conspicuous(ly)”** means that a required disclosure is difficult to
17 miss (i.e., easily noticeable) and easily understandable by ordinary consumers, including in all of
18 the following ways:

- 19 1. In any communication that is solely visual or solely audible, the disclosure
20 must be made through the same means through which the communication is presented.
21
22 In any communication made through both visual and audible means, such as a television
23 advertisement, the disclosure must be presented simultaneously in both the visual and
24 audible portions of the communication even if the representation requiring the disclosure
25 is made in only one means;
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1 2. A visual disclosure, by its size, contrast, location, the length of time it
2 appears, and other characteristics, must stand out from any accompanying text or other
3 visual elements so that it is easily noticed, read, and understood;

4 3. An audible disclosure, including by telephone or streaming video, must be
5 delivered in a volume, speed, and cadence sufficient for ordinary consumers to easily
6 hear and understand it;

7 4. In any communication using an interactive electronic medium, such as the
8 Internet or software, the disclosure must be unavoidable;

9 5. The disclosure must use diction and syntax understandable to ordinary
10 consumers and must appear in each language in which the representation that requires the
11 disclosure appears;

12 6. The disclosure must comply with these requirements in each medium
13 through which it is received, including all electronic devices and face-to-face
14 communications;

15 7. The disclosure must not be contradicted or mitigated by, or inconsistent
16 with, anything else in the communication; and

17 8. When the representation or sales practice targets a specific audience, such
18 as children, the elderly, or the terminally ill, “ordinary consumers” includes reasonable
19 members of that group.

20 4. **“Close Proximity”** means immediately adjacent to the triggering representation.

21 In the case of advertisements disseminated verbally or through audible means, the disclosure
22 shall be made as soon as practicable after the triggering representation.
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1 E. **“Corporate Defendants”** means RevMountain, LLC; RoadRunner B2C, LLC,
2 d/b/a RevGo; Wave Rock, LLC; Juniper Solutions, LLC; Jasper Woods, LLC; Wheeler Peak
3 Marketing, LLC; ROIRunner, LLC; Cherry Blitz, LLC; Flat Iron Avenue, LLC; Absolutely
4 Working, LLC; Three Lakes, LLC; Bridge Ford, LLC; How and Why, LLC; Spruce River, LLC;
5 TrimXT, LLC; Elation White, LLC; IvoryPro, LLC; Doing What’s Possible, LLC; RevGuard,
6 LLC; RevLive!, LLC; Blue Rocket Brands, LLC; Convertis, LLC; Convertis Marketing, LLC;
7 Turtle Mountains, LLC; Boulder Black Diamond, LLC; Mint House, LLC; Thunder Avenue,
8 LLC; University & Folsom, LLC; Boulder Creek Internet Solutions, Inc.; Walnut Street
9 Marketing, Inc.; Snow Sale, LLC; Brand Force, LLC; Wild Farms, LLC; Salamonie River, LLC;
10 Indigo Systems, LLC; Night Watch Group, LLC; Newport Crossing, LLC; Greenville Creek,
11 LLC; Brookville Lane, LLC; Anasazi Management Partners, LLC; Honey Lake, LLC; Condor
12 Canyon, LLC; Brass Triangle, LLC; Solid Ice, LLC; Sandstone Beach, LLC; Desert Gecko,
13 LLC; Blizzardwhite, LLC; Action Pro White, LLC; First Class Whitening, LLC; Spark
14 Whitening, LLC; Titanwhite, LLC; Dental Pro At Home, LLC; Smile Pro Direct, LLC; Circle of
15 Youth Skincare, LLC; DermaGlam, LLC; Sedona Beauty Secrets, LLC; Bellaathome, LLC;
16 SkinnyIQ, LLC; Body Tropical, LLC; and each of their subsidiaries, affiliates, successors, and
17 assigns.

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20 F. **“Defendant(s)”** means Corporate Defendants, Blair McNea, Danielle Foss, and
21 Jennifer Johnson, individually, collectively, or in any combination.

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23 G. **“Document”** is synonymous in meaning and equal in scope to the usage of
24 “document” and “electronically stored information” in Federal Rule of Civil Procedure 34(a),
25 and includes writings, drawings, graphs, charts, photographs, sound and video recordings,
26 images, Internet sites, web pages, websites, electronic correspondence, including e-mail and
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1 instant messages, contracts, accounting data, advertisements, FTP Logs, Server Access Logs,
2 books, written or printed records, handwritten notes, telephone logs, telephone scripts, receipt
3 books, ledgers, personal and business canceled checks and check registers, bank statements,
4 appointment books, computer records, customer or sales databases and any other electronically
5 stored information, including Documents located on remote servers or cloud computing systems,
6 and other data or data compilations from which information can be obtained directly or, if
7 necessary, after translation into a reasonably usable form. A draft or non-identical copy is a
8 separate document within the meaning of the term.
9

10 H. **“Electronic Data Host”** means any person or entity in the business of storing,
11 hosting, or otherwise maintaining electronically stored information. This includes, but is not
12 limited to, any entity hosting a website or server, and any entity providing “cloud based”
13 electronic storage.
14

15 I. **“Negative Option Feature”** means, in an offer or agreement to sell or provide
16 any good or service, a provision under which the consumer’s silence or failure to take affirmative
17 action to reject a good or service or to cancel the agreement is interpreted by the seller or
18 provider as acceptance or continuing acceptance of the offer.
19

20 J. **“Receiver”** means the Receiver appointed in Section XIII of this Order and any
21 deputy receivers or agents that shall be named by the Receiver.
22

23 K. **“Receivership Entities”** means Corporate Defendants as well as any other entity
24 that has conducted any business related to Defendants’ marketing of negative option offers,
25 including receipt of Assets derived from any activity that is the subject of the Complaint in this
26 matter, and that the Receiver determines is controlled or owned by any Defendant.
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ORDER

I. PROHIBITION AGAINST MISREPRESENTATIONS

IT IS THEREFORE ORDERED that Defendants, Defendants' officers, agents, employees, and attorneys, and all other persons in active concert or participation with them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or indirectly, in connection with the advertising, marketing, promoting, offering for sale, or sale of any goods or services, are restrained and enjoined from misrepresenting or assisting others in misrepresenting, expressly or by implication, any material fact, including:

A. That consumers will only be charged a nominal fee plus shipping and handling costs for a one-time shipment; and

B. That clicking through a website's pages will complete a single transaction for a single product.

II. REQUIRED DISCLOSURES RELATING TO NEGATIVE OPTION FEATURES

IT IS FURTHER ORDERED that Defendants, Defendants' officers, agents, employees, attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are restrained and enjoined from obtaining Billing Information from a consumer for any online transaction involving the advertising, marketing, promoting, offering for sale, or sale of any good or service that includes a Negative Option Feature, without first disclosing Clearly and Conspicuously, and in Close Proximity to where a consumer provides Billing Information, all material terms, including:

A. The total cost (or range of costs) the consumer will be charged;

B. That a consumer is automatically enrolled in a monthly negative option plan;

1 C. The extent to which the consumer must take affirmative action(s) to avoid any
2 Charges; and

3 D. That consumers who complete a transaction are purchasing two separate products
4 with separate monthly negative option plans.
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6 **III. OBTAINING EXPRESS INFORMED CONSENT**

7 **IT IS FURTHER ORDERED** that Defendants, Defendants' officers, agents, employees,
8 attorneys, and all other persons in active concert or participation with any of them, who receive
9 actual notice of this Order, whether acting directly or indirectly, are restrained and enjoined from
10 using Billing Information to obtain payment from a consumer for any online transaction in
11 connection with the advertising, marketing, promoting, offering for sale, or sale of any good or
12 service with a Negative Option Feature, unless Defendants first obtain the express informed
13 consent of the consumer before Charging the consumer's credit card, debit cards, banks accounts
14 or other financial accounts for products or services.
15

16 **IV. PROHIBITION ON RELEASE OF CUSTOMER INFORMATION**

17 **IT IS FURTHER ORDERED** that Defendants, Defendants' officers, agents, employees,
18 and attorneys, and all other Persons in active concert or participation with any of them, who
19 receive actual notice of this Order, whether acting directly or indirectly, are hereby restrained
20 and enjoined from:
21

22 A. Selling, renting, leasing, transferring, or otherwise disclosing, the name, address,
23 birth date, telephone number, email address, credit card number, bank account number, Social
24 Security number, or other financial or identifying information of any person that any Defendant
25 obtained in connection with any activity that pertains to the subject matter of this Order; and
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1 B. Benefitting from or using the name, address, birth date, telephone number, email
 2 address, credit card number, bank account number, Social Security number, or other financial or
 3 identifying information of any person that any Defendant obtained in connection with any
 4 activity that pertains to the subject matter of this Order.

5
 6 Provided, however, that Defendants may disclose such identifying information to a law
 7 enforcement agency, to their attorneys as required for their defense, as required by any law,
 8 regulation, or court order, or in any filings, pleadings or discovery in this action in the manner
 9 required by the Federal Rules of Civil Procedure and by any protective order in the case.

10 V. ASSET FREEZE

11 **IT IS FURTHER ORDERED** that Defendants and their officers, agents, employees,
 12 and attorneys, and all other persons in active concert or participation with any of them, who
 13 receive actual notice of this Order, whether acting directly or indirectly, are hereby restrained
 14 and enjoined from:
 15

16 A. Transferring, liquidating, converting, encumbering, pledging, loaning, selling,
 17 concealing, dissipating, disbursing, assigning, relinquishing, spending, withdrawing, granting a
 18 lien or security interest or other interest in, or otherwise disposing of any Assets that are:

- 19 1. owned or controlled, directly or indirectly, by any Defendant;
- 20 2. held, in part or in whole, for the benefit of any Defendant;
- 21 3. in the actual or constructive possession of any Defendant; or
- 22 4. owned or controlled by, in the actual or constructive possession of, or
 23 otherwise held for the benefit of, any corporation, partnership, Asset
 24 protection trust, or other entity that is directly or indirectly owned,
 25 managed or controlled by any Defendant.
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1 B. Opening or causing to be opened any safe deposit boxes, commercial mail boxes,
2 or storage facilities titled in the name of any Defendant or subject to access by any Defendant,
3 except as necessary to comply with written requests from the Receiver acting pursuant to its
4 authority under this Order;

5 C. Incurring charges or cash advances on any credit or bank card issued in the name,
6 individually or jointly, of any Corporate Defendant or any corporation, partnership, or other
7 entity directly or indirectly owned, managed, or controlled by any Defendant or of which any
8 Defendant is an officer, director, member, or manager. This includes any corporate bankcard or
9 corporate credit card account for which any Defendant is, or was on the date that this Order was
10 signed, an authorized signor; or
11

12 D. Cashing any checks or depositing any money orders or cash received from
13 consumers, clients, or customers of any Defendant.
14

15 E. The Assets affected by this Section shall include: (1) all Assets of Defendants as
16 of July 25, 2017; and (2) Assets obtained by Defendants after July 25, 2017 if those Assets are
17 derived from any activity that is the subject of the Complaint in this matter or that is prohibited
18 by this Order. This Section does not prohibit any transfers to the Receiver or repatriation of
19 foreign Assets specifically required by this Order.
20

21 **VI. DUTIES OF ASSET HOLDERS AND OTHER THIRD PARTIES**

22 **IT IS FURTHER ORDERED** that any financial or brokerage institution, Electronic
23 Data Host, credit card processor, payment processor, merchant bank, acquiring bank,
24 independent sales organization, third party processor, payment gateway, insurance company,
25 business entity, or person who receives actual notice of this Order (by service or otherwise) and
26 that (a) holds, controls, or maintains custody, through an account or otherwise, of any Document
27 on behalf of any Defendant or any Asset that is: owned or controlled, directly or indirectly, by
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1 any Defendant; held, in part or in whole, for the benefit of any Defendant; in the actual or
2 constructive possession of any Defendant; or owned or controlled by, in the actual or
3 constructive possession of, or otherwise held for the benefit of, any corporation, partnership,
4 Asset protection trust, or other entity that is directly or indirectly owned, managed, or controlled
5 by any Defendant; (b) holds, controls, or maintains custody of any Document or Asset associated
6 with credits, debits or charges made on behalf of any Defendant, including reserve funds held by
7 payment processors, credit card processors, merchant banks, acquiring banks, independent sales
8 organizations, third party processors, payment gateways, insurance companies, or other entities;
9 or (c) has held, controlled, or maintained custody of any such Document, Asset, or account at
10 any time since the date of entry of this Order shall:
11

12 A. Hold, preserve, and retain within its control and prohibit the withdrawal, removal,
13 alteration, assignment, transfer, pledge, encumbrance, disbursement, relinquishment,
14 conversion, sale, or other disposal of any such Document or Asset, as well as all Documents or
15 other property related to such Assets, except to the Receiver or by further order of this Court;
16

17 B. Deny any Person, except the Receiver, access to any safe deposit box, commercial
18 mail box, or storage facility that is titled in the name of any Defendant, either individually or
19 jointly, or otherwise subject to access by any Defendant;
20

21 C. Immediately provide Plaintiff's counsel and the Receiver, to the extent not
22 already provided pursuant to the TRO, a sworn statement setting forth:

23 1. The identification number of each such account or Asset;

24 2. The balance of each such account, or a description of the nature
25 and value of each such Asset as of the close of business on the day on which this
26 Order is served, and, if the account or other Asset has been closed or removed, the
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1 date closed or removed, the total funds removed in order to close the account, and
2 the name of the person or entity to whom such account or other Asset was
3 remitted; and

4 3. The identification of any safe deposit box, commercial mail box, or
5 storage facility that is either titled in the name, individually or jointly, of any
6 Defendant, or is otherwise subject to access by any Defendant; and
7

8 D. Upon the request of Plaintiff's counsel or the Receiver, promptly provide
9 Plaintiff's counsel and the Receiver with copies of all records or other Documents pertaining to
10 such account or Asset, including originals or copies of account applications, account statements,
11 signature cards, checks, drafts, deposit tickets, transfers to and from the accounts, including wire
12 transfers and wire transfer instructions, all other debit and credit instruments or slips, currency
13 transaction reports, 1099 forms, and all logs and records pertaining to safe deposit boxes,
14 commercial mail boxes, and storage facilities.
15

16 E. This Section does not prohibit any transfers to the Receiver or repatriation of
17 foreign Assets specifically required by this order.

18 VII. FINANCIAL DISCLOSURES

19 **IT IS FURTHER ORDERED** that any Defendant that has not yet provided financial
20 statements in accordance with Section VII of the TRO shall immediately prepare and deliver to
21 Plaintiff's counsel and the Receiver completed financial statements on the forms attached to this
22 Order as **Attachment A** (Financial Statement of Individual Defendant) for each Individual
23 Defendant, and **Attachment B** (Financial Statement of Corporate Defendant) for each Corporate
24 Defendant.
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VIII. FOREIGN ASSET REPATRIATION

IT IS FURTHER ORDERED that to the extent not already completed pursuant to the TRO, each Defendant shall immediately:

A. Provide Plaintiff's counsel and the Receiver with a full accounting, verified under oath and accurate as of the date of this Order, of all Assets, Documents, and accounts outside of the United States which are: (1) titled in the name, individually or jointly, of any Defendant; (2) held by any person or entity for the benefit of any Defendant or for the benefit of any corporation, partnership, Asset protection trust, or other entity that is directly or indirectly owned, managed, or controlled by any Defendant; or (3) under the direct or indirect control, whether jointly or singly, of any Defendant;

B. Take all steps necessary to provide Plaintiff's counsel and Receiver access to all Documents and records that may be held by third parties located outside of the territorial United States of America, including signing the Consent to Release of Financial Records appended to this Order as **Attachment C**;

C. Transfer to the territory of the United States all Documents and Assets located in foreign countries which are: (1) titled in the name, individually or jointly, of any Defendant; (2) held by any person or entity for the benefit of any Defendant or for the benefit of any corporation, partnership, asset protection trust, or other entity that is directly or indirectly owned, managed, or controlled by any Defendant; or (3) under the direct or indirect control, whether jointly or singly, of any Defendant; and

D. The same business day as any repatriation, (1) notify the Receiver and counsel for Plaintiff of the name and location of the financial institution or other entity that is the recipient of such Documents or Assets; and (2) serve this Order on any such financial institution or other entity.

1 **IX. NON-INTERFERENCE WITH REPATRIATION**

2 **IT IS FURTHER ORDERED** that Defendants, Defendants’ officers, agents, employees,
3 and attorneys, and all other Persons in active concert or participation with any of them, who
4 receive actual notice of this Order, whether acting directly or indirectly, are hereby preliminarily
5 restrained and enjoined from taking any action, directly or indirectly, which may result in the
6 encumbrance or dissipation of foreign Assets, or in the hindrance of the repatriation required by
7 this Order, including, but not limited to:
8

9 A. Sending any communication or engaging in any other act, directly or indirectly,
10 that results in a determination by a foreign trustee or other entity that a “duress” event has
11 occurred under the terms of a foreign trust agreement until such time that all Defendants’ Assets
12 have been fully repatriated pursuant to this Order; or
13

14 B. Notifying any trustee, protector or other agent of any foreign trust or other related
15 entities of either the existence of this Order, or of the fact that repatriation is required pursuant to
16 a court order, until such time that all Defendants’ Assets have been fully repatriated pursuant to
17 this Order.

18 **X. CONSUMER CREDIT REPORTS**

19 **IT IS FURTHER ORDERED** that Plaintiff may obtain credit reports concerning any
20 Defendants pursuant to Section 604(a)(1) of the Fair Credit Reporting Act, 15 U.S.C.
21 § 1681b(a)(1), and that, upon written request, any credit reporting agency from which such
22 reports are requested shall provide them to Plaintiff.
23

24 **XI. PRESERVATION OF RECORDS**

25 **IT IS FURTHER ORDERED** that Defendants, Defendants’ officers, agents, employees,
26 and attorneys, and all other Persons in active concert or participation with any of them, who
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1 receive actual notice of this Order, whether acting directly or indirectly, are hereby preliminarily
2 restrained and enjoined from:

3 A. Destroying, erasing, falsifying, writing over, mutilating, concealing, altering,
4 transferring, or otherwise disposing of, in any manner, directly or indirectly, Documents that
5 relate to: (1) the business, business practices, Assets, or business or personal finances of any
6 Defendant; (2) the business practices or finances of entities directly or indirectly under the
7 control of any Defendant; or (3) the business practices or finances of entities directly or
8 indirectly under common control with any other Defendant; and
9

10 B. Failing to create and maintain Documents that, in reasonable detail, accurately,
11 fairly, and completely reflect Defendants' incomes, disbursements, transactions, and use of
12 Defendants' Assets.
13

14 **XII. REPORT OF NEW BUSINESS ACTIVITY**

15 **IT IS FURTHER ORDERED** that Defendants, Defendants' officers, agents, employees,
16 and attorneys, and all other persons in active concert or participation with any of them, who
17 receive actual notice of this Order, whether acting directly or indirectly, are hereby preliminarily
18 restrained and enjoined from creating, operating, or exercising any control over any business
19 entity, whether newly formed or previously inactive, including any partnership, limited
20 partnership, joint venture, sole proprietorship, or corporation, without first providing Plaintiff's
21 counsel and the Receiver with a written statement disclosing: (1) the name of the business
22 entity; (2) the address and telephone number of the business entity; (3) the names of the business
23 entity's officers, directors, principals, managers, and employees; and (4) a detailed description of
24 the business entity's intended activities.
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XIII. RECEIVER

IT IS FURTHER ORDERED that Joshua Teeple, the Temporary Receiver named in the TRO, is appointed as Receiver of the Receivership Entities with full powers of an equity receiver. The Receiver shall be solely the agent of this Court in acting as Receiver under this Order.

The Receiver shall be vested with, and is authorized, directed and empowered to exercise, all of the power of the Receivership Entities, their officers, directors, shareholders, members, general partners, or persons who exercise similar powers and perform similar duties; and that the Receivership Entities, their officers, directors, shareholders, members, general partners, agents, employees, representatives, successors in interest, attorneys in fact, and all persons acting in concert or participating with them, are hereby divested of, restrained and barred from exercising any of the powers vested herein in the Receiver.

XIV. DUTIES AND AUTHORITY OF RECEIVER

IT IS FURTHER ORDERED that the Receiver is directed and authorized to accomplish the following:

A. Assume full control of Receivership Entities by removing, as the Receiver deems necessary or advisable, any director, officer, independent contractor, employee, attorney, or agent of any Receivership Entity from control of, management of, or participation in, the affairs of the Receivership Entity;

B. Take exclusive custody, control, and possession of all Assets and Documents of, or in the possession, custody, or under the control of, any Receivership Entity, wherever situated;

C. Conserve, hold, manage, and prevent the loss of all Assets of the Receivership Entities, and perform all acts necessary or advisable to preserve the value of those Assets. The Receiver shall assume control over the income and profits therefrom and all sums of money now

1 or hereafter due or owing to the Receivership Entities. The Receiver shall have full power to sue
2 for, collect, and receive, all Assets of the Receivership Entities and of other persons or entities
3 whose interests are now under the direction, possession, custody, or control of, the Receivership
4 Entities. Provided, however, that the Receiver shall not attempt to collect any amount from a
5 consumer if the Receiver believes the consumer's debt to the Receivership Entities has resulted
6 from the deceptive acts or practices or other violations of law alleged in the Complaint in this
7 matter, without prior Court approval;
8

9 D. Obtain, conserve, hold, manage, and prevent the loss of all Documents of the
10 Receivership Entities, and perform all acts necessary or advisable to preserve such Documents.
11 The Receiver shall: divert mail; preserve all Documents of the Receivership Entities that are
12 accessible via electronic means (such as online access to financial accounts and access to
13 electronic documents held onsite or by Electronic Data Hosts), by changing usernames,
14 passwords or other log-in credentials; take possession of all electronic Documents of the
15 Receivership Entities stored onsite or remotely; take whatever steps necessary to preserve all
16 such Documents; and obtain the assistance of the FTC's Digital Forensic Unit for the purpose of
17 obtaining electronic documents stored onsite or remotely.
18

19 E. Choose, engage, and employ attorneys, accountants, appraisers, and other
20 independent contractors and technical specialists, as the Receiver deems advisable or necessary
21 in the performance of duties and responsibilities under the authority granted by this Order;
22

23 F. Make payments and disbursements from the receivership estate that are necessary
24 or advisable for carrying out the directions of, or exercising the authority granted by, this Order,
25 and to incur, or authorize the making of, such agreements as may be necessary and advisable in
26 discharging his or her duties as Receiver. The Receiver shall apply to the Court for prior
27
28

1 approval of any payment of any debt or obligation incurred by the Receivership Entities prior to
2 July 25, 2017, except payments that the Receiver deems necessary or advisable to secure Assets
3 of the Receivership Entities, such as rental payments.

4 G. Take all steps necessary to secure and take exclusive custody of each location
5 from which the Receivership Entities operate their businesses. Such steps may include, but are
6 not limited to, any of the following, as the Receiver deems necessary or advisable: (1) securing
7 the location by changing the locks and alarm codes and disconnecting any internet access or
8 other means of access to the computers, servers, internal networks, or other records maintained at
9 that location; and (2) requiring any persons present at the location to leave the premises, to
10 provide the Receiver with proof of identification, and/or to demonstrate to the satisfaction of the
11 Receiver that such persons are not removing from the premises Documents or Assets of the
12 Receivership Entities;
13
14

15 H. Take all steps necessary to prevent the modification, destruction, or erasure of any
16 web page or website registered to and operated, in whole or in part, by any Defendants, and to
17 provide access to all such web page or websites to Plaintiff's representatives, agents, and
18 assistants, as well as Defendants and their representatives;
19

20 I. Enter into and cancel contracts and purchase insurance as advisable or necessary;

21 J. Verify the nature and extent of, and obtain as the Receiver deems necessary or
22 appropriate for the preservation of Assets, insurance coverage; provided however, there may be a
23 gap of time before such insurance may be in place to properly protect the Assets and any
24 employees of the receivership estate; and the Receiver has no responsibility or liability until such
25 time as the Receiver has notified the Court by filing a notice that insurance is in place. In
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1 connection therewith, the Receiver is hereby authorized to engage insurance brokers and
2 consultants as necessary to properly insure the Assets;

3 K. Prevent the inequitable distribution of Assets and determine, adjust, and protect
4 the interests of consumers who have transacted business with the Receivership Entities;

5 L. Make an accounting, as soon as practicable, of the Assets and financial condition
6 of the receivership and file the accounting with the Court and deliver copies thereof to all parties;

7 M. Institute, compromise, adjust, appear in, intervene in, defend, dispose of, or
8 otherwise become party to any legal action in state, federal or foreign courts or arbitration
9 proceedings as the Receiver deems necessary and advisable to preserve or recover the Assets of
10 the Receivership Entities, or to carry out the Receiver's mandate under this Order, including but
11 not limited to, actions challenging fraudulent or voidable transfers;
12

13 N. Issue subpoenas to obtain Documents and records pertaining to the Receivership,
14 and conduct discovery in this action on behalf of the receivership estate, in addition to obtaining
15 other discovery as set forth in this Order;
16

17 O. Open one or more bank accounts at designated depositories for funds of the
18 Receivership Entities. The Receiver shall deposit all funds of the Receivership Entities in such
19 designated accounts and shall make all payments and disbursements from the receivership estate
20 from such accounts. The Receiver shall serve copies of monthly account statements on all
21 parties;
22

23 P. Open all mail directed to or received by or at the premises, or post office or
24 private or commercial mail boxes of the Receivership Entities, and inspect all mail opened prior
25 to July 25, 2017, to determine whether items or information therein fall within the mandates of
26 this Order. In connection therewith, the Receiver is authorized to instruct the United States
27
28

1 Postmaster and anyone in possession or control of a private or commercial mailbox to hold
2 and/or reroute mail directed to any of the Receivership Entities. The Receivership Entities are
3 directed not to open a new mailbox or take any steps or make any arrangements to receive mail
4 in contravention of this Order, whether through the United States mail, a private mail depository,
5 or courier service;

6
7 Q. Maintain accurate records of all receipts and expenditures incurred as Receiver;

8 R. Allow the Plaintiff's representatives, agents, and assistants, as well as
9 Defendants' representatives and Defendants themselves, reasonable access to the premises of the
10 Receivership Entities, or any other premises where the Receivership Entities conduct business.
11 The purpose of this access shall be to inspect and copy any and all books, records, Documents,
12 accounts, and other property owned by, or in the possession of, the Receivership Entities or their
13 agents. The Receiver shall have the discretion to determine the time, manner, and reasonable
14 conditions of such access. Plaintiff's access to the Receivership Entities' premises pursuant to
15 this Section shall not provide grounds for any Defendant to object to any subsequent request for
16 documents served by Plaintiff;

17
18 S. Allow the Plaintiff's representatives, agents, and assistants, as well as Defendants
19 and their representatives reasonable access to all Documents in the possession, custody, or
20 control of the Receivership Entities. Plaintiff's access to the Receivership Entities' Documents
21 pursuant to this Section shall not provide grounds for any Defendant to object to any subsequent
22 request for documents served by Plaintiff;

23
24 T. Cooperate with reasonable requests for information or assistance from any state or
25 federal civil or criminal law enforcement agency;

U. Suspend business operations of the Receivership Entities if in the judgment of the Receiver such operations cannot be continued legally and profitably;

V. If the Receiver identifies a nonparty entity as a Receivership Entity, promptly notify the entity as well as the parties, and inform the entity that it can challenge the Receiver's determination by filing a motion with the Court. Provided, however, that the Receiver may delay providing such notice until the Receiver has established control of the nonparty entity and its Assets and records, if the Receiver determines that notice to the entity or the parties before the Receiver establishes control over the entity may result in the destruction of records, dissipation of Assets, or any other obstruction of the Receiver's control of the entity; and

W. If in the Receiver's judgment the business operations cannot be continued legally and profitably, take all steps necessary to ensure that any of the Receivership Entities' web pages or websites relating to the activities alleged in the Complaint cannot be accessed by the public, or are modified for consumer education and/or informational purposes, and take all steps necessary to ensure that any telephone numbers associated with the Receivership Entities cannot be accessed by the public, or are answered solely to provide consumer education or information regarding the status of operations.

XV. RECEIVER'S REPORTS

IT IS FURTHER ORDERED that the Receiver must:

A. File a verified report with the Court within 60 days of being appointed, and every six (6) months following the initial 60 day report, to include the following information:

1. A summary of the Receiver's operations;
2. An inventory of the assets and their appraised value;
3. A schedule of all the Receiver's receipts and disbursements;

1 4. A list of all known creditors with their addresses and the amounts of their
2 claims;

3 5. The steps the Receiver intends to take in the future to protect receivership
4 Assets, recover receivership Assets from third parties, and adjust receivership liabilities;

5 6. The Receiver's recommendation for a continuation or discontinuation of
6 the Receivership and the reasons for the recommendations; and
7

8 7. Any other matters which the Receiver believes should be brought to the
9 Court's attention.

10 **XVI. TRANSFER OF RECEIVERSHIP PROPERTY TO RECEIVER**

11 **IT IS FURTHER ORDERED** that Defendants and any other person with possession,
12 custody, or control of property of, or records relating to, the Receivership Entities shall, upon
13 notice of this Order by personal service or otherwise, fully cooperate with and assist the Receiver
14 in taking and maintaining possession, custody, or control of the Assets and Documents of the
15 Receivership Entities and immediately transfer or deliver to the Receiver possession, custody,
16 and control of, the following:
17

18 A. All Assets held by or for the benefit of the Receivership Entities;

19 B. All Documents of or pertaining to the Receivership Entities;

20 C. All computers, electronic devices, mobile devices and machines used to conduct
21 the business of the Receivership Entities;
22

23 D. All Assets and Documents belonging to other persons or entities whose interests
24 are under the direction, possession, custody, or control of the Receivership Entities;

25 E. All available insurance information for both existing and prior insurance policies.
26 This includes all applications, policies, riders, correspondence, endorsements, claims and other
27 information. The Receivership Entities are ordered to : (1) advise the insurance agent(s) of this
28

1 Order in writing; (2) designate all authority over the policies to be held by the Receiver pursuant
2 to this Order; and (3) take no action with regarding to terminating or modifying existing
3 insurance policies; and

4 F. All keys, codes, user names and passwords necessary to gain or to secure access
5 to any Assets or Documents of or pertaining to the Receivership Entities, including access to
6 their business premises, means of communication, accounts, computer systems (onsite and
7 remote), Electronic Data Hosts, or other property.

8
9 In the event that any person or entity fails to deliver or transfer any Asset or Document,
10 or otherwise fails to comply with any provision of this Section, the Receiver may file an
11 Affidavit of Non-Compliance regarding the failure and a motion seeking compliance or a
12 contempt citation.
13

14 **XVII. PROVISION OF INFORMATION TO RECEIVER**

15 **IT IS FURTHER ORDERED** that, to the extent not already completed pursuant to the
16 TRO, Defendants shall immediately provide to the Receiver:

17 A. A list of all Assets and accounts of the Receivership Entities that are held in any
18 name other than the name of a Receivership Entity, or by any person or entity other than a
19 Receivership Entity;

20 B. A list of all agents, employees, officers, attorneys, servants and those persons in
21 active concert and participation with the Receivership Entities, or who have been associated or
22 done business with the Receivership Entities; and

23 C. A description of any documents covered by attorney-client privilege or attorney
24 work product, including files where such documents are likely to be located, authors or recipients
25 of such documents, and search terms likely to identify such electronic documents.
26
27
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1 **XVIII. COOPERATION WITH THE RECEIVER**

2 **IT IS FURTHER ORDERED** that Defendants; Receivership Entities; Defendants' or
3 Receivership Entities' officers, agents, employees, and attorneys, all other persons in active
4 concert or participation with any of them, and any other person with possession, custody, or
5 control of property of or records relating to the Receivership Entities who receive actual notice
6 of this Order shall fully cooperate with and assist the Receiver.
7

8 A. This cooperation and assistance shall include, but is not limited to, providing
9 information to the Receiver that the Receiver deems necessary to exercise the authority and
10 discharge the responsibilities of the Receiver under this Order; providing any keys, codes, user
11 names and passwords required to access any computers, electronic devices, mobile devices, and
12 machines (onsite or remotely) and any cloud account (including specific method to access
13 account) or electronic file in any medium; advising all persons who owe money to any
14 Receivership Entity that all debts should be paid directly to the Receiver; and transferring funds
15 at the Receiver's direction and producing records related to the Assets and sales of the
16 Receivership Entities.
17

18 B. If any Documents, computers, or electronic storage devices containing
19 information related to the business practices or finances of the Receivership Entities are at a
20 location other than those listed herein, including personal residence(s) of any Defendant, then,
21 immediately upon receiving notice of this order, Defendants and Receivership Entities shall
22 produce to the Receiver all such Documents, computers, and electronic storage devices, along
23 with any codes or passwords needed for access. In order to prevent the destruction of computer
24 data, upon service of this Order, any such computers or electronic storage devices shall be
25 powered down in the normal course of the operating system used on such devices and shall not
26 be powered up or used until produced for copying and inspection; and
27
28

1 C. If any communications or records of any Receivership Entity are stored with an
 2 Electronic Data Host, such Entity shall, immediately upon receiving notice of this order, provide
 3 the Receiver with the username, passwords, and any other login credential needed to access the
 4 communications and records, and shall not attempt to access, or cause a third-party to attempt to
 5 access, the communications or records.
 6

7 **XIX. NON-INTERFERENCE WITH THE RECEIVER**

8 **IT IS FURTHER ORDERED** that Defendants; Receivership Entities; Defendants' or
 9 Receivership Entities' officers, agents, employees, attorneys, and all other persons in active
 10 concert or participation with any of them, who receive actual notice of this Order; and any other
 11 person served with a copy of this Order, are hereby preliminarily restrained and enjoined from
 12 directly or indirectly:
 13

14 A. Interfering with the Receiver's efforts to manage, or take custody, control, or
 15 possession of, the Assets or Documents subject to the receivership;

16 B. Transacting any of the business of the Receivership Entities;

17 C. Transferring, receiving, altering, selling, encumbering, pledging, assigning,
 18 liquidating, or otherwise disposing of any Assets owned, controlled, or in the possession or
 19 custody of, or in which an interest is held or claimed by, the Receivership Entities; or
 20

21 D. Refusing to cooperate with the Receiver or the Receiver's duly authorized agents
 22 in the exercise of their duties or authority under any order of this Court.
 23

24 **XX. STAY OF ACTIONS**

25 **IT IS FURTHER ORDERED** that, except by leave of this Court, during the pendency
 26 of the receivership ordered herein, Defendants, Defendants' officers, agents, employees,
 27 attorneys, and all other persons in active concert or participation with any of them, who receive
 28 actual notice of this Order, and their corporations, subsidiaries, divisions, or affiliates, and all

1 investors, creditors, stockholders, lessors, customers and other persons seeking to establish or
2 enforce any claim, right, or interest against or on behalf of Defendants, and all others acting for
3 or on behalf of such persons, are hereby enjoined from taking action that would interfere with the
4 exclusive jurisdiction of this Court over the Assets or Documents of the Receivership Entities,
5 including, but not limited to:

6
7 A. Filing or assisting in the filing of a petition for relief under the Bankruptcy Code,
8 11 U.S.C. § 101 et seq., or of any similar insolvency proceeding on behalf of the Receivership
9 Entities;

10 B. Commencing, prosecuting, or continuing a judicial, administrative, or other action
11 or proceeding against the Receivership Entities, including the issuance or employment of process
12 against the Receivership Entities, except that such actions may be commenced if necessary to toll
13 any applicable statute of limitations;
14

15 C. Filing or enforcing any lien on any Asset of the Receivership Entities, taking or
16 attempting to take possession, custody, or control of any Asset of the Receivership Entities; or
17 attempting to foreclose, forfeit, alter, or terminate any interest in any Asset of the Receivership
18 Entities, whether such acts are part of a judicial proceeding, are acts of self-help, or otherwise;

19 D. Provided, however, that this Order does not stay: (1) the commencement or
20 continuation of a criminal action or proceeding; (2) the commencement or continuation of an
21 action or proceeding by a governmental unit to enforce such governmental unit's police or
22 regulatory power; or (3) the enforcement of a judgment, other than a money judgment, obtained
23 in an action or proceeding by a governmental unit to enforce such governmental unit's police or
24 regulatory power.
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XXI. COMPENSATION OF RECEIVER

IT IS FURTHER ORDERED that the Receiver and all personnel hired by the Receiver as herein authorized, including counsel to the Receiver and accountants, are entitled to reasonable compensation for the performance of duties pursuant to this Order and for the cost of actual out-of-pocket expenses incurred by them, from the Assets now held by, in the possession or control of, or which may be received by, the Receivership Entities. The Receiver shall file with the Court and serve on the parties requests for the payment of such reasonable compensation at the time of the filing of any report required by Section XV of this Order. The Receiver shall not increase the hourly rates used as the bases for such fee applications without prior approval of the Court.

XXII. RECEIVER'S BOND

IT IS FURTHER ORDERED that the Receiver shall file with the Clerk of this Court a bond in the sum of \$_____ with sureties to be approved by the Court, conditioned that the Receiver will well and truly perform the duties of the office and abide by and perform all acts the Court directs. 28 U.S.C. § 754.

XXIII. DISTRIBUTION OF ORDER BY DEFENDANTS

IT IS FURTHER ORDERED that, to the extent not already completed pursuant to the TRO, Defendants shall immediately provide a copy of this Order to each affiliate, telemarketer, marketer, sales entity, successor, assign, member, officer, director, employee, agent, independent contractor, client, attorney, spouse, subsidiary, division, and representative of any Defendant, and shall thereafter immediately provide Plaintiff and the Receiver with a sworn statement that this provision of the Order has been satisfied, which statement shall include the names, physical addresses, phone numbers, and email addresses of each such person or entity who received a copy of the Order. Furthermore, Defendants shall not take any action that would encourage

1 officers, agents, members, directors, employees, salespersons, independent contractors,
2 attorneys, subsidiaries, affiliates, successors, assigns or other persons or entities in active concert
3 or participation with them to disregard this Order or believe that they are not bound by its
4 provisions.

5 **XXIV. SERVICE OF THIS ORDER**

6 **IT IS FURTHER ORDERED** that copies of this Order may be served by any means,
7 including facsimile transmission, electronic mail or other electronic messaging, personal or
8 overnight delivery, U.S. Mail or FedEx, by agents and employees of Plaintiff, by any law
9 enforcement agency, or by private process server, upon any Defendant or any Person (including
10 any financial institution) that may have possession, custody, or control of any Asset or Document
11 of any Defendant, or that may be subject to any provision of this Order pursuant to Rule 65(d)(2)
12 of the Federal Rules of Civil Procedure. For purposes of this Section, service upon any branch,
13 subsidiary, affiliate or office of any entity shall effect service upon the entire entity.
14
15

16 **XXV. CORRESPONDENCE AND SERVICE ON PLAINTIFF**

17 **IT IS FURTHER ORDERED** that, for the purpose of this Order, all correspondence
18 and service of pleadings on Plaintiff shall be addressed to:

19 **Sarah Waldrop**
20 **Michelle Schaefer**
21 Mailstop CC-9528
22 600 Pennsylvania Ave., NW
23 Washington, DC 20580
24 202-326-3444
25 202-326-3197 (fax)
26 swaldrop@ftc.gov
27 mschaefer@ftc.gov
28

XXVI. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for all purposes.

IT IS SO ORDERED, this _____ day of _____, 2017.

ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE

Proposed PI Attachment A
Individual Financial Disclosure Form

FEDERAL TRADE COMMISSION

FINANCIAL STATEMENT OF INDIVIDUAL DEFENDANT

Definitions and Instructions:

1. Complete all items. Enter "None" or "N/A" ("Not Applicable") in the first field only of any item that does not apply to you. If you cannot fully answer a question, explain why.
2. "Dependents" include your spouse, live-in companion, dependent children, or any other person, whom you or your spouse (or your children's other parent) claimed or could have claimed as a dependent for tax purposes at any time during the past five years.
3. "Assets" and "Liabilities" include ALL assets and liabilities, located within the United States or any foreign country or territory, whether held individually or jointly and whether held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.
4. Attach continuation pages as needed. On the financial statement, state next to the Item number that the Item is being continued. On the continuation page(s), identify the Item number(s) being continued.
5. Type or print legibly.
6. Initial each page in the space provided in the lower right corner.
7. Sign and date the completed financial statement on the last page.

Penalty for False Information:

Federal law provides that any person may be imprisoned for not more than five years, fined, or both, if such person:

(1) "in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact; makes any materially false, fictitious or fraudulent statement or representation; or makes or uses any false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry" (18 U.S.C. § 1001);

(2) "in any . . . statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true" (18 U.S.C. § 1621); or

(3) "in any (. . . statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information . . . knowing the same to contain any false material declaration" (18 U.S.C. § 1623).

For a felony conviction under the provisions cited above, federal law provides that the fine may be not more than the greater of (i) \$250,000 for an individual or \$500,000 for a corporation, or (ii) if the felony results in pecuniary gain to any person or pecuniary loss to any person other than the defendant, the greater of twice the gross gain or twice the gross loss. 18 U.S.C. § 3571.

BACKGROUND INFORMATION**Item 1. Information About You**

Full Name	Social Security No.		
Current Address of Primary Residence	Driver's License No.		State Issued
	Phone Numbers Home: () Fax: ()	Date of Birth: / / (mm/dd/yyyy)	
	Place of Birth		
<input type="checkbox"/> Rent <input type="checkbox"/> Own From (Date): / / (mm/dd/yyyy)	E-Mail Address		
Internet Home Page			

Previous Addresses for past five years (if required, use additional pages at end of form)

Address	From: / / (mm/dd/yyyy)	Until: / / (mm/dd/yyyy)
	<input type="checkbox"/> Rent <input type="checkbox"/> Own	
Address	From: / /	Until: / /
	<input type="checkbox"/> Rent <input type="checkbox"/> Own	
Address	From: / /	Until: / /
	<input type="checkbox"/> Rent <input type="checkbox"/> Own	
Identify any other name(s) and/or social security number(s) you have used, and the time period(s) during which they were used:		

Item 2. Information About Your Spouse or Live-In Companion

Spouse/Companion's Name	Social Security No.	Date of Birth / / (mm/dd/yyyy)
Address (if different from yours)	Phone Number ()	Place of Birth
	<input type="checkbox"/> Rent <input type="checkbox"/> Own From (Date): / / (mm/dd/yyyy)	
Identify any other name(s) and/or social security number(s) you have used, and the time period(s) during which they were used:		
Employer's Name and Address	Job Title	
	Years in Present Job	Annual Gross Salary/Wages \$

Item 3. Information About Your Previous Spouse

Name and Address	Social Security No.
	Date of Birth / / (mm/dd/yyyy)

Item 4. Contact Information (name and address of closest living relative other than your spouse)

Name and Address	Phone Number ()
------------------	------------------------

Initials: _____

Item 5. Information About Dependents (whether or not they reside with you)

Name and Address	Social Security No.	Date of Birth / / (mm/dd/yyyy)
	Relationship	
Name and Address	Social Security No.	Date of Birth / / (mm/dd/yyyy)
	Relationship	
Name and Address	Social Security No.	Date of Birth / / (mm/dd/yyyy)
	Relationship	
Name and Address	Social Security No.	Date of Birth / / (mm/dd/yyyy)
	Relationship	

Item 6. Employment Information/Employment Income

Provide the following information for this year-to-date and for each of the previous five full years, for each business entity of which you were a director, officer, member, partner, employee (including self-employment), agent, owner, shareholder, contractor, participant or consultant at any time during that period. "Income" includes, but is not limited to, any salary, commissions, distributions, draws, consulting fees, loans, loan payments, dividends, royalties, and benefits for which you did not pay (e.g., health insurance premiums, automobile lease or loan payments) received by you or anyone else on your behalf.

Company Name and Address	Dates Employed		Income Received: Y-T-D & 5 Prior Yrs.	
	From (Month/Year) /	To (Month/Year) /	Year	Income
Ownership Interest? <input type="checkbox"/> Yes <input type="checkbox"/> No			20	\$
Positions Held	From (Month/Year)	To (Month/Year)		\$
	/	/		\$
	/	/		\$
	/	/		\$
	/	/		\$
Company Name and Address	Dates Employed		Income Received: Y-T-D & 5 Prior Yrs.	
	From (Month/Year) /	To (Month/Year) /	Year	Income
Ownership Interest? <input type="checkbox"/> Yes <input type="checkbox"/> No			20	\$
Positions Held	From (Month/Year)	To (Month/Year)		\$
	/	/		\$
	/	/		\$
	/	/		\$
	/	/		\$
Company Name and Address	Dates Employed		Income Received: Y-T-D & 5 Prior Yrs.	
	From (Month/Year) /	To (Month/Year) /	Year	Income
Ownership Interest? <input type="checkbox"/> Yes <input type="checkbox"/> No			20	\$
Positions Held	From (Month/Year)	To (Month/Year)		\$
	/	/		\$
	/	/		\$
	/	/		\$

Initials: _____

Item 7. Pending Lawsuits Filed By or Against You or Your Spouse

List all pending lawsuits that have been filed by or against you or your spouse in any court or before an administrative agency in the United States or in any foreign country or territory. **Note:** At Item 12, list lawsuits that resulted in final judgments or settlements in your favor. At Item 21, list lawsuits that resulted in final judgments or settlements against you.

Caption of Proceeding	Court or Agency and Location	Case No.	Nature of Proceeding	Relief Requested	Status or Disposition

Item 8. Safe Deposit Boxes

List all safe deposit boxes, located within the United States or in any foreign country or territory, whether held individually or jointly and whether held by you, your spouse, or any of your dependents, or held by others for the benefit of you, your spouse, or any of your dependents.

Name of Owner(s)	Name & Address of Depository Institution	Box No.	Contents

Initials: _____

FINANCIAL INFORMATION

REMINDER: When an item asks for information regarding your "assets" and "liabilities" include ALL assets and liabilities, located within the United States or in any foreign country or territory, or institution, whether held individually or jointly, and whether held by you, your spouse, or any of your dependents, or held by others for the benefit of you, your spouse, or any of your dependents. In addition, provide all documents requested in Item 24 with your completed Financial Statement.

ASSETS**Item 9. Cash, Bank, and Money Market Accounts**

List cash on hand (as opposed to cash in bank accounts or other financial accounts) and all bank accounts, money market accounts, or other financial accounts, including but not limited to checking accounts, savings accounts, and certificates of deposit. The term "cash on hand" includes but is not limited to cash in the form of currency, uncashed checks, and money orders.

a. Amount of Cash on Hand \$		Form of Cash on Hand	
b. Name on Account	Name & Address of Financial Institution	Account No.	Current Balance
			\$
			\$
			\$
			\$
			\$

Item 10. Publicly Traded Securities

List all publicly traded securities, including but not limited to, stocks, stock options, corporate bonds, mutual funds, U.S. government securities (including but not limited to treasury bills and treasury notes), and state and municipal bonds. Also list any U.S. savings bonds.

Owner of Security	Issuer	Type of Security	No. of Units Owned
Broker House, Address	Broker Account No.		
	Current Fair Market Value \$	Loan(s) Against Security \$	
Owner of Security	Issuer	Type of Security	No. of Units Owned
Broker House, Address	Broker Account No.		
	Current Fair Market Value \$	Loan(s) Against Security \$	
Owner of Security	Issuer	Type of Security	No. of Units Owned
Broker House, Address	Broker Account No.		
	Current Fair Market Value \$	Loan(s) Against Security \$	

Initials: _____

Item 11. Non-Public Business and Financial Interests

List all non-public business and financial interests, including but not limited to any interest in a non-public corporation, subchapter-S corporation, limited liability corporation ("LLC"), general or limited partnership, joint venture, sole proprietorship, international business corporation or personal investment corporation, and oil or mineral lease.

Entity's Name & Address	Type of Business or Financial Interest (e.g., LLC, partnership)	Owner (e.g., self, spouse)	Ownership %	If Officer, Director, Member or Partner, Exact Title

Item 12. Amounts Owed to You, Your Spouse, or Your Dependents

Debtor's Name & Address	Date Obligation Incurred (Month/Year) /	Original Amount Owed \$	Nature of Obligation (if the result of a final court judgment or settlement, provide court name and docket number)
	Current Amount Owed \$	Payment Schedule \$	
Debtor's Telephone	Debtor's Relationship to You		
Debtor's Name & Address	Date Obligation Incurred (Month/Year) /	Original Amount Owed \$	Nature of Obligation (if the result of a final court judgment or settlement, provide court name and docket number)
	Current Amount Owed \$	Payment Schedule \$	
Debtor's Telephone	Debtor's Relationship to You		

Item 13. Life Insurance Policies

List all life insurance policies (including endowment policies) with any cash surrender value.

Insurance Company's Name, Address, & Telephone No.	Beneficiary	Policy No.	Face Value \$
	Insured	Loans Against Policy \$	Surrender Value \$
Insurance Company's Name, Address, & Telephone No.	Beneficiary	Policy No.	Face Value \$
	Insured	Loans Against Policy \$	Surrender Value \$

Item 14. Deferred Income Arrangements

List all deferred income arrangements, including but not limited to, deferred annuities, pensions plans, profit-sharing plans, 401(k) plans, IRAs, Keoghs, other retirement accounts, and college savings plans (e.g., 529 Plans).

Trustee or Administrator's Name, Address & Telephone No.	Name on Account		Account No.
	Date Established / / (mm/dd/yyyy)	Type of Plan	Surrender Value before Taxes and Penalties \$
Trustee or Administrator's Name, Address & Telephone No.	Name on Account		Account No.
	Date Established / /	Type of Plan	Surrender Value before Taxes and Penalties \$

Initials: _____

Item 15. Pending Insurance Payments or Inheritances

List any pending insurance payments or inheritances owed to you.

Type	Amount Expected	Date Expected (mm/dd/yyyy)
	\$	/ /
	\$	/ /
	\$	/ /

Item 16. Vehicles

List all cars, trucks, motorcycles, boats, airplanes, and other vehicles.

Vehicle Type	Year	Registered Owner's Name	Purchase Price \$	Original Loan Amount \$	Current Balance \$
Make		Registration State & No.	Account/Loan No.	Current Value \$	Monthly Payment \$
Model		Address of Vehicle's Location	Lender's Name and Address		
Vehicle Type	Year	Registered Owner's Name	Purchase Price \$	Original Loan Amount \$	Current Balance \$
Make		Registration State & No.	Account/Loan No.	Current Value \$	Monthly Payment \$
Model		Address of Vehicle's Location	Lender's Name and Address		
Vehicle Type	Year	Registered Owner's Name	Purchase Price \$	Original Loan Amount \$	Current Balance \$
Make		Registration State & No.	Account/Loan No.	Current Value \$	Monthly Payment \$
Model		Address of Vehicle's Location	Lender's Name and Address		
Vehicle Type	Year	Registered Owner's Name	Purchase Price \$	Original Loan Amount \$	Current Balance \$
Make		Registration State & No.	Account/Loan No.	Current Value \$	Monthly Payment \$
Model		Address of Vehicle's Location	Lender's Name and Address		

Item 17. Other Personal Property

List all other personal property not listed in Items 9-16 by category, whether held for personal use, investment or any other reason, including but not limited to coins, stamps, artwork, gemstones, jewelry, bullion, other collectibles, copyrights, patents, and other intellectual property.

Property Category (e.g., artwork, jewelry)	Name of Owner	Property Location	Acquisition Cost	Current Value
			\$	\$
			\$	\$
			\$	\$

Initials: _____

Item 18. Real Property

List all real property interests (including any land contract)

Property's Location		Type of Property	Name(s) on Title or Contract and Ownership Percentages	
Acquisition Date (mm/dd/yyyy) / /	Purchase Price \$	Current Value \$	Basis of Valuation	
Lender's Name and Address		Loan or Account No.	Current Balance On First Mortgage or Contract \$	
			Monthly Payment \$	
Other Mortgage Loan(s) (describe)		Monthly Payment \$	<input type="checkbox"/> Rental Unit	
		Current Balance \$	Monthly Rent Received \$	
Property's Location		Type of Property	Name(s) on Title or Contract and Ownership Percentages	
Acquisition Date (mm/dd/yyyy) / /	Purchase Price \$	Current Value \$	Basis of Valuation	
Lender's Name and Address		Loan or Account No.	Current Balance On First Mortgage or Contract \$	
			Monthly Payment \$	
Other Mortgage Loan(s) (describe)		Monthly Payment \$	<input type="checkbox"/> Rental Unit	
		Current Balance \$	Monthly Rent Received \$	

LIABILITIES**Item 19. Credit Cards**

List each credit card account held by you, your spouse, or your dependents, and any other credit cards that you, your spouse, or your dependents use, whether issued by a United States or foreign financial institution.

Name of Credit Card (e.g., Visa, MasterCard, Department Store)	Account No.	Name(s) on Account	Current Balance
			\$
			\$
			\$
			\$
			\$

Item 20. Taxes Payable

List all taxes, such as income taxes or real estate taxes, owed by you, your spouse, or your dependents.

Type of Tax	Amount Owed	Year Incurred
	\$	
	\$	
	\$	

Initials: _____

Item 21. Other Amounts Owed by You, Your Spouse, or Your Dependents

List all other amounts, not listed elsewhere in this financial statement, owed by you, your spouse, or your dependents.

Lender/Creditor's Name, Address, and Telephone No.		Nature of Debt (if the result of a court judgment or settlement, provide court name and docket number)	
		Lender/Creditor's Relationship to You	
Date Liability Was Incurred / / (mm/dd/yyyy)	Original Amount Owed \$	Current Amount Owed \$	Payment Schedule
Lender/Creditor's Name, Address, and Telephone No.		Nature of Debt (if the result of a court judgment or settlement, provide court name and docket number)	
		Lender/Creditor's Relationship to You	
Date Liability Was Incurred / / (mm/dd/yyyy)	Original Amount Owed \$	Current Amount Owed \$	Payment Schedule

OTHER FINANCIAL INFORMATION**Item 22. Trusts and Escrows**

List all funds and other assets that are being held in trust or escrow by any person or entity for you, your spouse, or your dependents. Include any legal retainers being held on your behalf by legal counsel. Also list all funds or other assets that are being held in trust or escrow by you, your spouse, or your dependents, for any person or entity.

Trustee or Escrow Agent's Name & Address	Date Established (mm/dd/yyyy)	Grantor	Beneficiaries	Present Market Value of Assets*
	/ /			\$
	/ /			\$
	/ /			\$

*If the market value of any asset is unknown, describe the asset and state its cost, if you know it.

Item 23. Transfers of Assets

List each person or entity to whom you have transferred, in the aggregate, more than \$5,000 in funds or other assets during the previous five years by loan, gift, sale, or other transfer (exclude ordinary and necessary living and business expenses paid to unrelated third parties). For each such person or entity, state the total amount transferred during that period.

Transferee's Name, Address, & Relationship	Property Transferred	Aggregate Value*	Transfer Date (mm/dd/yyyy)	Type of Transfer (e.g., Loan, Gift)
		\$	/ /	
		\$	/ /	
		\$	/ /	

*If the market value of any asset is unknown, describe the asset and state its cost, if you know it.

Initials: _____

Item 24. Document Requests

Provide copies of the following documents with your completed Financial Statement.

	Federal tax returns filed during the last three years by or on behalf of you, your spouse, or your dependents.
	All applications for bank loans or other extensions of credit (other than credit cards) that you, your spouse, or your dependents have submitted within the last two years, including by obtaining copies from lenders if necessary.
Item 9	For each bank account listed in Item 9, all account statements for the past 3 years.
Item 11	For each business entity listed in Item 11, provide (including by causing to be generated from accounting records) the most recent balance sheet, tax return, annual income statement, the most recent year-to-date income statement, and all general ledger files from account records.
Item 17	All appraisals that have been prepared for any property listed in Item 17, including appraisals done for insurance purposes. You may exclude any category of property where the total appraised value of all property in that category is less than \$2,000.
Item 18	All appraisals that have been prepared for real property listed in Item 18.
Item 21	Documentation for all debts listed in Item 21.
Item 22	All executed documents for any trust or escrow listed in Item 22. Also provide any appraisals, including insurance appraisals that have been done for any assets held by any such trust or in any such escrow.

SUMMARY FINANCIAL SCHEDULES**Item 25. Combined Balance Sheet for You, Your Spouse, and Your Dependents**

Assets		Liabilities	
Cash on Hand (Item 9)	\$	Loans Against Publicly Traded Securities (Item 10)	\$
Funds Held in Financial Institutions (Item 9)	\$	Vehicles - Liens (Item 16)	\$
U.S. Government Securities (Item 10)	\$	Real Property - Encumbrances (Item 18)	\$
Publicly Traded Securities (Item 10)	\$	Credit Cards (Item 19)	\$
Non-Public Business and Financial Interests (Item 11)	\$	Taxes Payable (Item 20)	\$
Amounts Owed to You (Item 12)	\$	Amounts Owed by You (Item 21)	\$
Life Insurance Policies (Item 13)	\$	Other Liabilities (Itemize)	
Deferred Income Arrangements (Item 14)	\$		\$
Vehicles (Item 16)	\$		\$
Other Personal Property (Item 17)	\$		\$
Real Property (Item 18)	\$		\$
Other Assets (Itemize)			\$
	\$		\$
	\$		\$
	\$		\$
Total Assets	\$	Total Liabilities	\$

Item 26. Combined Current Monthly Income and Expenses for You, Your Spouse, and Your Dependents

Provide the current monthly income and expenses for you, your spouse, and your dependents. Do not include credit card payments separately; rather, include credit card expenditures in the appropriate categories.

Income (State source of each item)		Expenses	
Salary - After Taxes Source:	\$	Mortgage or Rental Payments for Residence(s)	\$
Fees, Commissions, and Royalties Source:	\$	Property Taxes for Residence(s)	\$
Interest Source:	\$	Rental Property Expenses, Including Mortgage Payments, Taxes, and Insurance	\$
Dividends and Capital Gains Source:	\$	Car or Other Vehicle Lease or Loan Payments	\$
Gross Rental Income Source:	\$	Food Expenses	\$
Profits from Sole Proprietorships Source:	\$	Clothing Expenses	\$
Distributions from Partnerships, S-Corporations, and LLCs Source:	\$	Utilities	\$

Initials: _____

Item 26. Combined Current Monthly Income and Expenses for You, Your Spouse, and Your Dependents (cont.)			
Distributions from Trusts and Estates Source:	\$	Medical Expenses, Including Insurance	\$
Distributions from Deferred Income Arrangements Source:	\$	Other Insurance Premiums	\$
Social Security Payments	\$	Other Transportation Expenses	\$
Alimony/Child Support Received	\$	Other Expenses (Itemize)	
Gambling Income	\$		\$
Other Income (Itemize)			\$
	\$		\$
	\$		\$
	\$		\$
Total Income	\$	Total Expenses	\$

ATTACHMENTS

Item 27. Documents Attached to this Financial Statement	
List all documents that are being submitted with this financial statement. For any Item 24 documents that are not attached, explain why.	
Item No. Document Relates To	Description of Document

I am submitting this financial statement with the understanding that it may affect action by the Federal Trade Commission or a federal court. I have used my best efforts to obtain the information requested in this statement. The responses I have provided to the items above are true and contain all the requested facts and information of which I have notice or knowledge. I have provided all requested documents in my custody, possession, or control. I know of the penalties for false statements under 18 U.S.C. § 1001, 18 U.S.C. § 1621, and 18 U.S.C. § 1623 (five years imprisonment and/or fines). I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on:

(Date)

Signature

Proposed PI Attachment B
Entity Financial Disclosure Form

FEDERAL TRADE COMMISSION

FINANCIAL STATEMENT OF CORPORATE DEFENDANT

Instructions:

1. Complete all items. Enter "None" or "N/A" ("Not Applicable") where appropriate. If you cannot fully answer a question, explain why.
2. The font size within each field will adjust automatically as you type to accommodate longer responses.
3. In completing this financial statement, "the corporation" refers not only to this corporation but also to each of its predecessors that are not named defendants in this action.
4. When an Item asks for information about assets or liabilities "held by the corporation," include ALL such assets and liabilities, located within the United States or elsewhere, held by the corporation or held by others for the benefit of the corporation.
5. Attach continuation pages as needed. On the financial statement, state next to the Item number that the Item is being continued. On the continuation page(s), identify the Item number being continued.
6. Type or print legibly.
7. An officer of the corporation must sign and date the completed financial statement on the last page and initial each page in the space provided in the lower right corner.

Penalty for False Information:

Federal law provides that any person may be imprisoned for not more than five years, fined, or both, if such person:

- (1) "in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry" (18 U.S.C. § 1001);
- (2) "in any . . . statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true" (18 U.S.C. § 1621); or
- (3) "in any (. . . statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information . . . knowing the same to contain any false material declaration." (18 U.S.C. § 1623)

For a felony conviction under the provisions cited above, federal law provides that the fine may be not more than the greater of (i) \$250,000 for an individual or \$500,000 for a corporation, or (ii) if the felony results in pecuniary gain to any person or pecuniary loss to any person other than the defendant, the greater of twice the gross gain or twice the gross loss. 18 U.S.C. § 3571.

BACKGROUND INFORMATION

Item 1. General Information

Corporation's Full Name _____

Primary Business Address _____ From (Date) _____

Telephone No. _____ Fax No. _____

E-Mail Address _____ Internet Home Page _____

All other current addresses & previous addresses for past five years, including post office boxes and mail drops:

Address _____ From/Until _____

Address _____ From/Until _____

Address _____ From/Until _____

All predecessor companies for past five years:

Name & Address _____ From/Until _____

Name & Address _____ From/Until _____

Name & Address _____ From/Until _____

Item 2. Legal Information

Federal Taxpayer ID No. _____ State & Date of Incorporation _____

State Tax ID No. _____ State _____ Profit or Not For Profit _____

Corporation's Present Status: Active _____ Inactive _____ Dissolved _____

If Dissolved: Date dissolved _____ By Whom _____

Reasons _____

Fiscal Year-End (Mo./Day) _____ Corporation's Business Activities _____

Item 3. Registered Agent

Name of Registered Agent _____

Address _____ Telephone No. _____

Item 4. Principal Stockholders

List all persons and entities that own at least 5% of the corporation's stock.

<u>Name & Address</u>	<u>% Owned</u>

Item 5. Board Members

List all members of the corporation's Board of Directors.

<u>Name & Address</u>	<u>% Owned</u>	<u>Term (From/Until)</u>

Item 6. Officers

List all of the corporation's officers, including *de facto* officers (individuals with significant management responsibility whose titles do not reflect the nature of their positions).

<u>Name & Address</u>	<u>% Owned</u>

Item 7. Businesses Related to the Corporation

List all corporations, partnerships, and other business entities in which this corporation has an ownership interest.

<u>Name & Address</u>	<u>Business Activities</u>	<u>% Owned</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

State which of these businesses, if any, has ever transacted business with the corporation _____

Item 8. Businesses Related to Individuals

List all corporations, partnerships, and other business entities in which the corporation's principal stockholders, board members, or officers (i.e., the individuals listed in Items 4 - 6 above) have an ownership interest.

<u>Individual's Name</u>	<u>Business Name & Address</u>	<u>Business Activities</u>	<u>% Owned</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

State which of these businesses, if any, have ever transacted business with the corporation _____

Item 9. Related Individuals

List all related individuals with whom the corporation has had any business transactions during the three previous fiscal years and current fiscal year-to-date. A "related individual" is a spouse, sibling, parent, or child of the principal stockholders, board members, and officers (i.e., the individuals listed in Items 4 - 6 above).

<u>Name and Address</u>	<u>Relationship</u>	<u>Business Activities</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Item 10. Outside Accountants

List all outside accountants retained by the corporation during the last three years.

<u>Name</u>	<u>Firm Name</u>	<u>Address</u>	<u>CPA/PA?</u>

Item 11. Corporation's Recordkeeping

List all individuals within the corporation with responsibility for keeping the corporation's financial books and records for the last three years.

<u>Name, Address, & Telephone Number</u>	<u>Position(s) Held</u>

Item 12. Attorneys

List all attorneys retained by the corporation during the last three years.

<u>Name</u>	<u>Firm Name</u>	<u>Address</u>

Item 13. Pending Lawsuits Filed by the Corporation

List all pending lawsuits that have been filed by the corporation in court or before an administrative agency. (List lawsuits that resulted in final judgments or settlements in favor of the corporation in Item 25).

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Item 14. **Current Lawsuits Filed Against the Corporation**

List all pending lawsuits that have been filed against the corporation in court or before an administrative agency. (List lawsuits that resulted in final judgments, settlements, or orders in Items 26 - 27).

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Item 15. Bankruptcy Information

List all state insolvency and federal bankruptcy proceedings involving the corporation.

Commencement Date _____ Termination Date _____ Docket No. _____

If State Court: Court & County _____ If Federal Court: District _____

Disposition _____

Item 16. Safe Deposit Boxes

List all safe deposit boxes, located within the United States or elsewhere, held by the corporation, or held by others for the benefit of the corporation. *On a separate page, describe the contents of each box.*

<u>Owner's Name</u>	<u>Name & Address of Depository Institution</u>	<u>Box No.</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

FINANCIAL INFORMATION

REMINDER: When an Item asks for information about assets or liabilities “held by the corporation,” include **ALL** such assets and liabilities, located within the United States or elsewhere, held by the corporation or held by others for the benefit of the corporation.

Item 17. Tax Returns

List all federal and state corporate tax returns filed for the last three complete fiscal years. *Attach copies of all returns.*

<u>Federal/ State/Both</u>	<u>Tax Year</u>	<u>Tax Due Federal</u>	<u>Tax Paid Federal</u>	<u>Tax Due State</u>	<u>Tax Paid State</u>	<u>Preparer's Name</u>
_____	_____	\$ _____	\$ _____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	\$ _____	\$ _____	_____

Item 18. Financial Statements

List all financial statements that were prepared for the corporation's last three complete fiscal years and for the current fiscal year-to-date. *Attach copies of all statements, providing audited statements if available.*

<u>Year</u>	<u>Balance Sheet</u>	<u>Profit & Loss Statement</u>	<u>Cash Flow Statement</u>	<u>Changes in Owner's Equity</u>	<u>Audited?</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Item 19. Financial Summary

For each of the last three complete fiscal years and for the current fiscal year-to-date for which the corporation has not provided a profit and loss statement in accordance with Item 18 above, provide the following summary financial information.

	<u>Current Year-to-Date</u>	<u>1 Year Ago</u>	<u>2 Years Ago</u>	<u>3 Years Ago</u>
<u>Gross Revenue</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>Expenses</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>Net Profit After Taxes</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>Payables</u>	\$ _____			
<u>Receivables</u>	\$ _____			

Item 20. Cash, Bank, and Money Market Accounts

List cash and all bank and money market accounts, including but not limited to, checking accounts, savings accounts, and certificates of deposit, held by the corporation. The term "cash" includes currency and uncashed checks.

Cash on Hand \$ _____ Cash Held for the Corporation's Benefit \$ _____

<u>Name & Address of Financial Institution</u>	<u>Signator(s) on Account</u>	<u>Account No.</u>	<u>Current Balance</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

Item 21. Government Obligations and Publicly Traded Securities

List all U.S. Government obligations, including but not limited to, savings bonds, treasury bills, or treasury notes, held by the corporation. Also list all publicly traded securities, including but not limited to, stocks, stock options, registered and bearer bonds, state and municipal bonds, and mutual funds, held by the corporation.

Issuer _____ Type of Security/Obligation _____

No. of Units Owned _____ Current Fair Market Value \$ _____ Maturity Date _____

Issuer _____ Type of Security/Obligation _____

No. of Units Owned _____ Current Fair Market Value \$ _____ Maturity Date _____

Item 22. Real Estate

List all real estate, including leaseholds in excess of five years, held by the corporation.

Type of Property _____ Property's Location _____

Name(s) on Title and Ownership Percentages _____

Current Value \$ _____ Loan or Account No. _____

Lender's Name and Address _____

Current Balance On First Mortgage \$ _____ Monthly Payment \$ _____

Other Loan(s) (describe) _____ Current Balance \$ _____

Monthly Payment \$ _____ Rental Unit? _____ Monthly Rent Received \$ _____

Type of Property _____ Property's Location _____

Name(s) on Title and Ownership Percentages _____

Current Value \$ _____ Loan or Account No. _____

Lender's Name and Address _____

Current Balance On First Mortgage \$ _____ Monthly Payment \$ _____

Other Loan(s) (describe) _____ Current Balance \$ _____

Monthly Payment \$ _____ Rental Unit? _____ Monthly Rent Received \$ _____

Item 23. Other Assets

List all other property, by category, with an estimated value of \$2,500 or more, held by the corporation, including but not limited to, inventory, machinery, equipment, furniture, vehicles, customer lists, computer software, patents, and other intellectual property.

<u>Property Category</u>	<u>Property Location</u>	<u>Acquisition Cost</u>	<u>Current Value</u>
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____

Item 24. Trusts and Escrows

List all persons and other entities holding funds or other assets that are in escrow or in trust for the corporation.

<u>Trustee or Escrow Agent's Name & Address</u>	<u>Description and Location of Assets</u>	<u>Present Market Value of Assets</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Item 25. Monetary Judgments and Settlements Owed To the Corporation

List all monetary judgments and settlements, recorded and unrecorded, owed to the corporation.

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

Item 26. Monetary Judgments and Settlements Owed By the Corporation

List all monetary judgments and settlements, recorded and unrecorded, owed by the corporation.

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date _____ Amount \$ _____

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

Item 27. Government Orders and Settlements

List all existing orders and settlements between the corporation and any federal or state government entities.

Name of Agency _____ Contact Person _____

Address _____ Telephone No. _____

Agreement Date _____ Nature of Agreement _____

Item 28. Credit Cards

List all of the corporation's credit cards and store charge accounts and the individuals authorized to use them.

Name of Credit Card or Store

Names of Authorized Users and Positions Held

Item 29. Compensation of Employees

List all compensation and other benefits received from the corporation by the five most highly compensated employees, independent contractors, and consultants (other than those individuals listed in Items 5 and 6 above), for the two previous fiscal years and current fiscal year-to-date. "Compensation" includes, but is not limited to, salaries, commissions, consulting fees, bonuses, dividends, distributions, royalties, pensions, and profit sharing plans. "Other benefits" include, but are not limited to, loans, loan payments, rent, car payments, and insurance premiums, whether paid directly to the individuals, or paid to others on their behalf.

<u>Name/Position</u>	<u>Current Fiscal Year-to-Date</u>	<u>1 Year Ago</u>	<u>2 Years Ago</u>	<u>Compensation or Type of Benefits</u>
_____	\$ _____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	\$ _____	_____

Item 30. Compensation of Board Members and Officers

List all compensation and other benefits received from the corporation by each person listed in Items 5 and 6, for the current fiscal year-to-date and the two previous fiscal years. "Compensation" includes, but is not limited to, salaries, commissions, consulting fees, dividends, distributions, royalties, pensions, and profit sharing plans. "Other benefits" include, but are not limited to, loans, loan payments, rent, car payments, and insurance premiums, whether paid directly to the individuals, or paid to others on their behalf.

<u>Name/Position</u>	<u>Current Fiscal Year-to-Date</u>	<u>1 Year Ago</u>	<u>2 Years Ago</u>	<u>Compensation or Type of Benefits</u>
_____	\$ _____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	\$ _____	_____

Item 31. Transfers of Assets Including Cash and Property

List all transfers of assets over \$2,500 made by the corporation, other than in the ordinary course of business, during the previous three years, by loan, gift, sale, or other transfer.

<u>Transferee's Name, Address, & Relationship</u>	<u>Property Transferred</u>	<u>Aggregate Value</u>	<u>Transfer Date</u>	<u>Type of Transfer (e.g., Loan, Gift)</u>
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____

Item 32. Documents Attached to the Financial Statement

List all documents that are being submitted with the financial statement.

<u>Item No. Document</u> <u>Relates To</u>	<u>Description of Document</u>

I am submitting this financial statement with the understanding that it may affect action by the Federal Trade Commission or a federal court. I have used my best efforts to obtain the information requested in this statement. The responses I have provided to the items above are true and contain all the requested facts and information of which I have notice or knowledge. I have provided all requested documents in my custody, possession, or control. I know of the penalties for false statements under 18 U.S.C. § 1001, 18 U.S.C. § 1621, and 18 U.S.C. § 1623 (five years imprisonment and/or fines). I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on:

(Date)

Signature

Corporate Position

Proposed PI Attachment C
Consent to Release Financial Records

FEDERAL TRADE COMMISSION

CONSENT TO RELEASE OF FINANCIAL RECORDS

I, _____, residing at,
_____, in the United States of America, do hereby direct any
bank, trust company, or financial institution, at which I have an account of any kind or at which a
corporation, or natural person has a bank account of any kind upon which I am authorized to
draw, and its officers, employees, and agents, to disclose all information and delivery copies of
all documents of every nature in their possession or control that relate to any such account to an
attorney or representative of the Federal Trade Commission ("FTC"), and to give evidence
relevant thereto, in the matter of the *FTC v. RevMountain, et al.*, before the
United States District Court for the District of Nevada, and this shall be irrevocable
authority for so doing.

This direction is intended to apply to the laws of countries other than the United States of
America that restrict or prohibit the disclosure of financial information without the consent of the
holder of the account, and shall be construed as consent with respect thereto, and the same shall
apply to any of the accounts for which I may be a relevant principal.

Dated: _____, 2017

Name (print): _____, 2017

Signature: _____